

## Message Text

SECRET

PAGE 01 STATE 085884

46 L

ORIGIN IO-11

INFO OCT-01 EUR-12 ISO-00 L-03 AF-06 ARA-06 EA-07 NEA-10

SS-15 NSC-05 SP-02 INR-07 CIAE-00 PRS-01 SAM-01 /087 R

DRAFTED BY IO/UNP - VFHARTLEY

APPROVED BY IO:JBAKER

L/UNA -MJMATHESON

EUR - DGOOTT

IO/UNP - GHELMAN

----- 126432

R 091108Z APR 76

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

S E C R E T STATE 085884

E.O. 11652:GDS

TAGS:PFOR, UN, FR, UK, UR

SUBJECT:CONSULTATIONS ON VETO IN SC: ARTICLE 27(3)

REF: USUN 1384

1. DEPT FULLY CONCURS IN USUN'S VIEW (PARA 9, REFTTEL). US  
WOULD NOT WISH TO BECOME PARTY TO ANY FOUR-POWER AGREEMENT  
TO REGARD AS ILLEGAL ANY CHAPTER VI RESOLUTION ADOPTED  
OVER OPPOSITION OF A PERMANENT MEMBER AFTER DENIAL OF VOTE  
TO THAT OPPOSING PERMANENT MEMBER. AS BRITISH POINT OUT,  
DENIAL OF VOTE TO PERMANENT MEMBER WOULD BE DIRECT AND  
LEGALLY PROPER CONSEQUENCE IN CERTAIN CIRCUMSTANCES OF AP-  
PLICATION OF ARTICLE 27(3), AND WE WOULD NOT WISH TO SEE  
US IN POSITION CLEARLY CONTRARY TO PROVISION OF UN CHARTER.  
HOWEVER, IN OTHER CIRCUMSTANCES THERE COULD BE REAL QUES-  
TION WHETHER ARTICLE 27(3) IN FACT APPLICABLE, PARTICULARLY

SECRET

SECRET

PAGE 02 STATE 085884

IN VIEW ABSENCE ANY GENERALLY AGREED DEFINITION OF "DISPUTE"

AND WHERE WE BELIEVE IT INAPPLICABLE, WE CONSIDER ARGUMENT SUGGESTED BY BRITISH (PARA. 3 REFTEL) WELL CONCEIVED. WE RECOGNIZE THERE NO WAY OF ASSURING OUR POSITION WILL PREVAIL BUT BELIEVE FACT RESOLUTIONS UNDER CHAPTER VI ARE ONLY RECOMMENDATORY AND NOT BINDING OFFERS ULTIMATE SAFEGUARD, SINCE AS BRITISH POINT OUT, RESOLUTION WOULD HAVE NO PRACTICAL VALUE.

2. DEPT ALSO CONCURS USUN'S VIEW THERE SUBSTANTIAL MERIT IN BRITISH SUGGESTIONS (PARA 4, REFTEL) FOR PREVENTIVE ACTION BY FOUR POWERS THROUGH TIMELY ADVANCE CONSULTATIONS WITH SECRETARIAT OFFICIALS AND OTHER SC MEMBERS DIRECTED TOWARD AVOIDING HOSTILE RULING OR DECISION. IN THIS GENERAL CONNECTION, GIVEN THE HISTORY OF THE APPLICATION OF ARTICLE 27(3), WE ALSO THINK SOVIET SUGGESTION (PARA 6, REFTEL) RE EFFORTS TO PREVENT QUESTION ARISING FORMALLY IN SC WORTH BEARING IN MIND. HOWEVER, WE DO NOT THINK, CONSISTENT WITH PARA 1 ABOVE, US SHOULD AGREE PROTEST ANY "ADVERSE RULING," AS PROPOSED BY FRENCH (PARA 5, REFTEL), SINCE THERE MAY BE SITUATIONS WHERE WE CONSIDER RULING PROPER APPLICATION OF ARTICLE 27(3). WE MIGHT, DEPENDING ON CIRCUMSTANCES, HOWEVER, POINT OUT THAT SC ACTION OVER OBJECTION OF PERMANENT MEMBER WOULD NOT BE USEFUL STEP IN A GIVEN CASE.

3. WHILE DIFFERENCES AMONG FOUR CONSULTANTS ON THIS QUESTION APPEAR WIDER THAN IN CASE OF CHARTER REVIEW, ADVANTAGES OF CLOSE CONSULTATION AMONG US CLEARLY DEMONSTRATED IN THAT CASE. DEPT THEREFORE INCLINED SEE MERIT IN FRENCH PROPOSAL OF FURTHER DISCUSSION AMONG US. DEPT ALSO AGREES WITH USUN THAT SUBSTANCE OF PARTICULAR RESOLUTION WILL BE MAJOR FACTOR IN DETERMINING EXTENT AND FORM OF COOPERATION AMONG US AND THEREFORE BELIEVES THERE SHOULD BE CLOSE CONSULTATION IN EACH SPECIFIC INSTANCE. KISSINGER

SECRET

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, VOTING, DIPLOMATIC DISCUSSIONS, UNSC RESOLUTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 APR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** saccheem  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE085884  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** VFHARTLEY  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760135-0498  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760477/aaaacnmo.tel  
**Line Count:** 95  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN IO  
**Original Classification:** SECRET  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** SECRET  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** saccheem  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 20 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <20 APR 2004 by buchant0>; APPROVED <16 AUG 2004 by saccheem>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CONSULTATIONS ON VETO IN SC: ARTICLE 27(3)  
**TAGS:** PFOR, FR, UK, UR, US, UN  
**To:** USUN NEW YORK  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006